

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

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WRIT PETITION NO: 17701 of 2007

Dated: 26-10-2007

Between:

P.Ramesh

.... **PETIT**

AND

The Government of Andhra Pradesh,
Rep., by its Secretary,
Municipal Administration &
Urban Development,
Hyderabad and 3 others.

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HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

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WRIT PETITION No. 17701 of 2007
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ORDER:

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This writ petition is filed for a writ of Mandamus to set aside the order dated 08-09-2005 of respondent No.1 whereby a direction was given to respondent No.2 not to allow any constructions in Sy.No.48/2 of Enumalapalli village, Anantapur District.

The petitioner approached respondent No.2 for permission to raise construction on the disputed land. On 05-02-2004 respondent No.2 has granted permission sought for by the petitioner for construction of compound wall. When the petitioner made an application for permission for construction on the said land, he came to know that on 08-09-2005 respondent No.1 had passed the impugned order.

Both respondent Nos.3 and 4 filed separate counter affidavits.

At the hearing, learned counsel for respondent Nos.3 and 4 submitted that his clients filed appeal under Section 34(3) read with Section 42(4) of the Urban Areas Development Act against the proceedings dated 05-02-2004 on the ground that the land, on which the permission was given by respondent No.2, belongs to them and that the said property is the subject matter of an injunction granted by the Junior Civil Judge, Penukonda in I.A.No.53 of 2001 in O.S.NO.12 of 2001. He also submitted that since the petitioner is a party to the appeal, he can contest the appeal and seek vacation of the order impugned in this writ petition.

In view of the fact that the order dated 08-09-2005, which is impugned in this writ petition, is in the nature of an interim order, it is always open to the petitioner to seek vacation of the same and therefore, I am not inclined to express any opinion on the merits of the case.

Having considered the facts of the case, without going into the merits of the case, I deem it appropriate to dispose of the writ petition with a direction to respondent No.1 to dispose of the appeal filed by respondent Nos. 3 and 4 against the order dated 05-02-2004 issued by respondent No.2 within a period

of two months from the date of receipt of a copy of this order. Ordered accordingly. No costs.

C.V.NAGARJUNA REDDY,J

Date: 26-10-2007

Note: Issue C.C. in three days.

B/o

KLP